



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-2147 FAX (603) 271-6588



LETTER OF DEFICIENCY  
WET 2002-20

June 13, 2002

Donita and Wesley Bourne  
34 Stone Street  
North Revere, MA 02151-4306

RE: DES Wetlands File #2001-01373, 229 North Shore Rd, Wakefield

Dear Mr. and Ms. Bourne:

On June 7, 2002, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Wakefield Tax Map 40 as Lot 81 (the "Property"). The purpose of the inspection was in response to a complaint filed with DES and to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspection, and further file review, the following deficiencies were documented:

- On September 5, 2001, an Alleged Violator ("AV") letter was re-issued to Donald and Mary Wright, for the installation of a new docking facility within 20 feet of the abutter's property line and without a permit issued from DES.
2. On September 12, 2001, it was determined in our phone conversation that under the present rules only 2 boat slips would be permissible for property having 125 feet of lake frontage.
3. On June 7, 2002, DES personnel inspected the property and found the following:
  - (a) Two sections of wooden fence, each measuring approximately 8 feet by 8 feet are located in Great East Lake, below the normal high water mark along the western property line; and
  - (b) A wharf, measuring approximately 12 feet by 19 feet 9 inches, extends lakeward approximately 9 feet; and
  - (c) The wharf is located approximately 18 feet 7 inches from the imaginary extension of the property line locate to the west end of your property; and
  - (d) A seasonal docking facility in a "U" configuration was installed with approximate dimensions consisting of a 56 foot 6 inch by 4 foot section, an 8 foot by 21 foot section with a 4 foot by 10 foot 6 inch connecting walkway; and
  - (e) Two seasonal boat lifts and three seasonal personal watercraft ("PWC") lifts were installed; and
  - (f) A second wharf in an "L" configuration with approximate dimensions of 18 feet 9

inches x 7 feet 4 inches and 14 feet 2 inches x 10 feet 5 inches, is located along the eastern edge of the property within the 20 foot setback.; and  
(g) A PWC lift was located in the water adjacent to the second wharf.

4. The tax card dated October 31, 1997, provided by the Town of Wakefield, lists one private dock covering 160 square feet.
5. The present docking facilities, as measured on June 7, 2002, covers approximately 926 square feet.

In response to the deficiencies listed, you are requested to take the following actions:

- Within 20 days of receipt of this Letter of Deficiency, remove the seasonal docking facility and all supports, the two boatlifts, the four PWC lifts and the two sections of fence from the waters of Great East Lake.
2. Within 10 days of removing the above-mentioned seasonal docks and lifts submit a cover letter and photographs showing you have brought the site into compliance.
3. Within 60 days please submit historical evidence for the presence of the two wharfs located along the shoreline. This should be a combination of, but not limited to, photos, affidavits, and letters, that show the wharfs have been maintained there present location, configuration, and dimensions since the early 1970's.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel will conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Jeffrey Blecharczyk, Shoreline Investigator  
Wetlands Bureau  
Department of Environmental Services  
6 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

June 12, 2002

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,

**COPY**  
Mary Ann Tilton  
Senior Enforcement Officer  
Wetlands Bureau

CERTIFIED MAIL: 7099 3400 0003 0688 9927

cc: Rene Pelletier, Manager, Land Resources Management Program  
Gretchen Rule, Administrator, DES Legal Unit  
Mark Harbaugh, DES Enforcement Attorney  
Wakefield Conservation Commission  
Wakefield Board of Selectmen  
David Killoy, USACOE